IN THE HIGH COURT OF UTTARANCHAL
AT NAINTIAL

Criminal Misc. Application No. 118 of 2001
(Old No. 5548 of 1999)

1. Rajendra Kumar Rai
   S/o Sri Baleshwar Rai
2. Nand Kumar Rai S/o Sri Baleshwar Rai
   both R/o Rajiv Lochan Ashram
   13 Bangali Mandir Road
   Rishikesh, Police Station Rishikesh
   District Dehradun .... Applicants

Vs

1. State of U.P.
2. Sri Govind Das Shishya of
   Sri Rajiv Lochnacharya
   R/o Rajiv Lochan Ashram
   13 Bengali Mandir Road
   Rishikesh, Police Station Rishiketh
   District Drhardun .... Opp. Parties

Sri D.C.S. Rawat, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicants/accused for quashing the chargesheet No. 99 of 1999 which is contained as Annexure – 2 to this petition.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the applicants by the respondent No. 2. After institution of the case, the police investigated the matter and submitted the chargesheet on 14.03.1999 against the applicants under Sections 504, 506, 323 I.P.C. The petitioners have thus filed this petition for quashing the chargesheet filed against them.

3. Heard Sri D.C.S. Rawat, learned counsel for the petitioner, learned A.G.A. and perused the record.

4. After having considered the arguments of the learned counsel for the petitioners, I am of the view that there is no abuse of process of the court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr.P.C., I am not supposed to pre-judge, the police papers and any discrepancies therein.

5. The allegations in the First Information Report and the material collected by the Investigating Officer during the investigation are referred in the chargesheet and the prima-facie case makes out the offence. I therefore, do not find any ground for quashing the criminal proceedings at this stage.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed. Stay order, if any, stands vacated.

8. However, the trial court is directed to decide the criminal case expeditiously as early as possible. The trial court is also directed not to grant any unnecessary adjournment to either party.

(B.C. Kandpal, J.)

18.07.2006
ASWAL